

25-02-01

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05/01/01
31052 U.S. PTO

TO: Box PATENT APPLICATION
Commissioner for Patents
Washington, D.C. 20231

31052 U.S. PTO
09/04/01
05/01/01

UTILITY PATENT APPLICATION TRANSMITTAL - DIVISIONAL
(new nonprovisional applications under 37 CFR §1.53(b))

Transmitted herewith for filing is the patent application of:

INVENTOR(S): Frey, *et al.*

TITLE: DNA MOLECULES ENCODING BACTERIAL LYSINE 2,3-AMINOMUTASE

ATTORNEY DOCKET NO.: 032026-0476D

In connection with this application, the following are enclosed:

APPLICATION ELEMENTS:

- ☒ [X] Specification - 50 Total Pages
- ☒ [X] Abstract - 1 Total Pages
- ☐ [] Drawings - Total Sheets
- ☒ [X] Declaration and Power of Attorney - Total Sheets 4
- ☐ [] Unexecuted (original or copy)
- ☒ [X] Copy from a prior application (37 CFR 1.63(d))
(relates to continuation/divisional boxes completed)
- ☐ [] Deletion of Inventor(s) - Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- ☐ [] Incorporation by Reference (useable if copy of prior application Declaration
being submitted)

The entire disclosure of the prior application, from which a COPY of the oath or declaration is supplied as noted above, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

- ☐ Microfiche Computer Program (Appendix)
- ☒ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- ☒ Computer Readable Copy
- ☒ Paper Copy (identical to computer copy)
- ☒ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS:

- ☐ Assignment Papers (cover sheet & document(s))
- ☐ 37 CFR 3.73(b) Statement (when there is an assignee)
- ☒ Information Disclosure Statement (IDS) with PTO-1449.
 - ☒ Copies of IDS cited documents.
- ☐ Small Entity Verified Statement(s)
 - ☐ Statement filed in prior application. Status still proper and desired.
- ☒ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503)
- ☐ Transmittal of Formal Drawings

FOREIGN PRIORITY CLAIM:

- ☐ Certified copies attached
- ☐ English Translation Document (if applicable)

CONTINUING APPLICATION:

- [X] Divisional of prior application Serial No. 09/330,611, filed June 11, 1999.
- [X] Amend the specification by inserting before the first line the following sentence:
--This application is a divisional of application Serial No. 09/330,611, filed June 11, 1999, which is a continuation-in-part of U.S. Patent Application Serial No. 09/182,942, filed November 24, 1998, now abandoned. --
- [X] Please cancel claim(s) 1-28 and 33-35 of the application as filed prior to calculating the filing fee.
- [X] The prior application is assigned of record to Wisconsin Alumni Research Foundation (WARF).
- [] A petition, fee and response has been filed to extend the term of the pending prior application until _____.
- [X] The prior application is presently pending.

CORRESPONDENCE ADDRESS:

Mark A. Kassel
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150 E. Gilman Street
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Madison, WI 53701-1497
Telephone: (608) 258-4272
Fax Number: (608) 258-4258

FEE CALCULATIONS: (Small entity fees indicated in parentheses.)

| (1) For | (2) Number Filed | (3) Number Extra | (4) Rate | (5) Basic Fee \$710 (\$355) |
|---------------------------------------|---------------------|---------------------|--------------------|-----------------------------------|
| Total Claims | 14 | | x \$18 (x \$9) | 0.00 |
| Independent Claims | 3 | 0 | x \$78 (x \$39) | 0.00 |
| Multiple Dependent Claims | | | \$260 (\$130) | 0.00 |
| Assignment Recording Fee per property | | | \$40 | 0.00 |
| Surcharge Under 37 C.F.R. 1.16(e) | | | \$130 (\$65) | 0.00 |
| | | | TOTAL FEE: | \$355.00 |

METHOD OF PAYMENT:

A check in the amount of the above TOTAL FEE is enclosed. If payment by check is NOT enclosed, it is requested that the Patent and Trademark Office advise the undersigned of the period of time within which to file the TOTAL FEE. If payment is enclosed, this amount is believed to be correct; however, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 06-1447.

Respectfully submitted,



Mark A. Kassel, Reg. No. 38,200

My 1/2001
Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No: 032026/0476

In re patent application of
FREY, Perry A. *et al.*

Serial No.: 09/330,611

Filed: June 11, 1999

For: DNA MOLECULES ENCODING BACTERIAL LYSINE 2,3-AMINOMUTASE

STATEMENT TO SUPPORT FILING AND SUBMISSION IN
ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825

Assistant Commissioner for Patents
Washington, D.C. 20231
Box SEQUENCE

Sir:

In connection with a Sequence Listing submitted concurrently herewith,
the undersigned hereby states that:

1. the submission, filed herewith in accordance with 37 C.F.R. §
1.821(g), does not include new matter; and

2. the content of the attached paper copy and the attached computer
readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c)
and (e), respectively, are the same.

Respectfully submitted,

Mark A. Kassel
Date

Mark A. Kassel
Reg. No. 38,200

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Frey, *et al.*

Title: DNA MOLECULES ENCODING BACTERIAL LYSINE 2,3-AMINOMUTASE

Docket No 032026:0476D

Box PATENT APPLICATION
Commissioner for Patents
Washington, D.C. 20231

"Express Mail" Mailing Label No.: EL846155270US

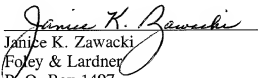
Date of Deposit: May 1, 2001

I hereby certify that these attached documents

- * Utility Patent Application Transmittal Under 37 C.F.R. §1.53(b)
(duplicate)
- * Patent Application
- * Information Disclosure Statement
- * PTO-1449 and copies of cited references
- * Preliminary Amendment
- * Declaration and Power of Attorney (copy)
- * Amino Acid/Nucleotide Sequence Submission
- * Computer Readable Copy (diskette)
- * Paper Copy (identical to diskette)
- * Statement verifying identity of above copies
- * Check for \$355.00 (Check No. 32393)
- * Return Postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 35 C.F.R. § 1.10 on the date indicated above and is addressed to Box PATENT APPLICATION, Commissioner for Patents, Washington, D.C. 20231.

Enclosed for filing please find the above-referenced patent application. Please indicate receipt of this patent application by returning the attached postcard with the official Patent and Trademark Office receipt stamped thereon.


Janice K. Zawacki
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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Frey, Perry A., et al.

Date: August 20, 1999

Serial No.: 09/330,611

Docket No.: 032026:0476

Filed: June 11, 1999

G.A.U.: 1652

For: **DNA MOLECULES ENCODING BACTERIAL LYSINE 2,3-AMINOMUTASE**

TRANSMITTAL OF SEQUENCE LISTING AND PRELIMINARY AMENDMENT

BOX SEQUENCE

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Enclosed is an initial computer readable form of the Sequence Listing as required by the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures ("Notice to Comply").

Also enclosed is an initial paper copy of the Sequence Listing.

The period for response to the Notice to Comply was set to expire on August 20, 1999, and therefore this submission is timely filed.

Applicants believe no fee is due for this submission, however, the Commissioner is hereby authorized to charge any fees due in connection with this submission to Deposit Account No. 06-1447. A duplicate copy of this transmittal is enclosed for such purposes.

AMENDMENT

Applicants request that the attached Sequence Listing be entered into the specification as filed.

REMARKS

The Amendment to the specification adds no new matter and is otherwise proper. The amendment is made to comply with 37 C.F.R. §1.821-1.825.

If the Examiner has any questions regarding this amendment, he is invited to contact the undersigned at the listed number.

Respectfully Submitted,



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